



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,936	10/03/2003	David Andrew Thomas	200309085-I	1203
22879	7590	09/18/2007	EXAMINER	
HEWLETT PACKARD COMPANY			DINH, MINH	
P O BOX 272400, 3404 E. HARMONY ROAD			ART UNIT	PAPER NUMBER
INTELLECTUAL PROPERTY ADMINISTRATION				
FORT COLLINS, CO 80527-2400			2132	
MAIL DATE		DELIVERY MODE		
09/18/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/678,936	THOMAS ET AL.	
Examiner	Art Unit		
Minh Dinh	2132		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 June 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-58 is/are pending in the application.
4a) Of the above claim(s) 11-27 and 38-54 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-10,28-37 and 55-58 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 June 2007 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application
6) Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 6/28/07. Claims 1, 7, 28 and 34 have been amended; claims 55-58 have been added. The specification has also been amended.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are not persuasive. Applicant's amendments have necessitated a new search and new grounds of rejection.

Election/Restrictions

3. Applicant's election of invention I (claims 1-10 and 28-37) in the reply filed on 6/28/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

4. The drawings were received on 6/28/07. These drawings are acceptable.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4, 7, 28-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi et al. (2002/0107806) in view of Lyle (7,242,766).

Higashi discloses a method comprising: receiving a request to transfer a file, i.e., to purchase a content (fig. 2, step 1001; paragraphs 0012, 0100); locating the requested file stored in a memory (paragraph 0015); computing a unique identifier corresponding to the requested file, i.e., determining a content ID corresponding to the requested file (paragraphs 0074-75, 0112, 0117); choosing a first key K1, i.e., content key (paragraphs 0014, 0074); encrypting K1, and the unique identifier with a second key K2, a public key, to generate a first value (paragraphs 0080-0083, 0094); encrypting the requested file with the first key, K1, to generate a second value (paragraphs 0015, 0128); and transferring the first and second values (paragraph 0016).

Higashi does not disclose that the encryption key K1 is unique to the particular transfer of the requested file. Lyle discloses a method for encrypting requested content wherein the encryption/decryption key (i.e., a session key) is unique to the particular transfer of the requested content (col. 22, lines 38-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Higashi method such that the encryption key K1 is unique to the particular transfer of the requested file, as taught by Lyle. Such an encryption/decryption key would vary from one transaction to the next.

7. Claims 5-6 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi in view of Lyle as applied to claims 1 and 28 above, and further in view of Bennett (6,963,923). Higashi does not disclose that interruption occurs to the transmission of the second value and when it happens, transmission of the second value will be resumed without retransferring the entire second value. Bennett discloses that file transmission interruptions do occur. Bennett also discloses a method for file transfer restart without retransferring the entire file in the event of file transmission interruption (Abstract; col. 1, lines 42-53). It would have been obvious to one of ordinary in the art at the time the invention was made to incorporate Bennett method of file transfer restart in the event of file

transmission interruption into the combined method of Higashi and Lyle for file transfer. The motivation for doing so would have been to avoid the need to retransfer the entire file (Abstract).

8. Claims 8-10 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi in view of Lyle as applied to claims 1 and 28, and further in view of Carpentier et al. (6,807,632). Higashi discloses that the unique identifier is the content ID. Higashi does not disclose that the content ID is an MD5 checksum of the content. Carpentier discloses using an MD5 checksum of content, i.e., a cryptographic hash binary sequence identifier of digital content, as the content ID (Abstract; col. 8, line 32 – col. 9, line 20). It would have been obvious to one of ordinary in the art at the time the invention was made to modify the combined method of Higashi and Lyle to use an MD5 checksum of content as the content ID, as taught by Carpentier. Not only such identifiers are human readable and easily communicated for use, they can also be used to show conclusively whether two digital contents are identical (col. 8, lines 57-65; col. 9, lines 4-15).

9. Claims 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi in view of Lyle as applied to claims 1 and 28, and further in view of Van Der Vleuten et al. (2002/0076043). Higashi does not

disclose that the second value (the encrypted file) includes a plurality of versions of the requested file, each version differing in quality. Van Der Vleuten discloses scalably encoding content so that the encoded content includes multiple versions of the content, each version differing in quality (Abstract; paragraphs 0002-0003). It would have been obvious to one of ordinary in the art at the time the invention was made to modify the combined method of Higashi and Lyle to scalably encode the requested file so that the encoded file includes multiple versions of the file, each version differing in quality, as taught by Van Der Vleuten. Scalable encoding allows the same single bit stream simultaneously serves different channels with different capacities without the need to re-encode the original data.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MD/
Minh Dinh
Examiner
Art Unit 2132

9/16/07


GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100